

PROB 12B
(12/98)

United States District Court

For

The Western District of New York

Request for Modifying the Conditions or Term of Supervision

With Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Sharron McCutcheon a/k/a Shawnee **Case Number:** 1:18CR00208-002

Name of Sentencing Judicial Officer: Honorable Lawrence J. Vilardo, U.S. District Judge

Date of Original Sentence: October 30, 2019

Original Offense: Conspiracy to Possess with Intent to Distribute, and to Distribute, Cocaine Base in violation of 21 U.S.C. §846, 21 U.S.C. §841(a)(1), 21 U.S.C. §841(b)(1)(C)

Original Sentence: Five (5) years of probation. Special Conditions include: substance abuse testing/treatment; home detention of six (6) months; obtain his General Education Diploma; and a search condition based on reasonable suspicion.

Modification: On January 14, 2021, Your Honor modified the defendant's conditions to include three (3) months on curfew via location monitoring, as a result of the defendant's noncompliance of knowingly traveling to Georgia without permission.

Type of Supervision: Probation

Date Supervision Commenced: October 30, 2019

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

The defendant shall comply with the conditions of the Location Monitoring Program (curfew component) for an additional period of one (1) month to commence on April 19, 2021. This curfew shall be from 6:00 p.m. to 6:00 a.m., or as adjusted by the U.S. Probation Office to be less restrictive for employment, counseling, emergencies, or other acceptable reasons. This will be monitored by a Global Positioning Satellite System and the defendant shall wear (an) electronic monitoring device(s) and shall follow the monitoring procedures as outlined in Probation Form 61. The defendant is required to contribute to the cost of services rendered (co-payment).

CAUSE

The defendant was unemployed from April 2020 until November 2020, when he obtained employment at Just Cleaned Services Incorporated. The defendant quit this place of employment after one month and has remained unemployed. On February 24, 2021, the U.S. Probation Office referred the defendant to an employment agency known as the CEO program. On March 9, 2021,

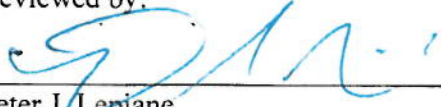
RE: SHARRON MCCUTCHEON a/k/a Shawnee
1:18CR00208-002
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this officer received notification from the CEO program that Mr. McCutcheon logged in for day one of his orientation. However, when the defendant was notified of the program requirements, he indicated he was no longer interested and logged off. This officer spoke with the defendant about turning down the employment referral. The defendant explained to this officer he did not wish to wake up early for employment. On April 5, 2021 the defendant reported to the U.S. Probation Office reporting he obtained employment at another cleaning service in Buffalo, New York working third shift. This officer advised the defendant of the changes needed in his curfew to allow the defendant to attend employment. When advised of the curfew adjustment, the defendant reported he no longer wished to be employed due to the curfew restrictions.

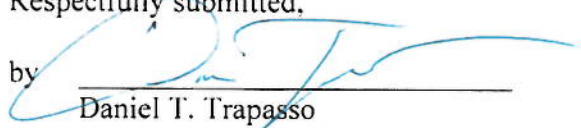
On March 16, 2021, the defendant submitted a urinalysis sample, which tested positive for marijuana. The urinalysis sample was confirmed positive by Alere Toxicology on March 21, 2021. On March 26, 2021, Mr. McCutcheon was questioned about the positive urinalysis sample and denied marijuana use. The defendant was given verbal admonishment and was informed a modification will be sent to the Court.

On April 5, 2021 the defendant reported to the United States Probation Office. The modification was discussed in detail, which the defendant agreed to as evidenced by his signature on the attached waiver. At this time, it is respectfully recommended that the Court modify Mr. McCutcheon's conditions as stated above.

Reviewed by:


Peter J. Lepiane
Supervising U.S. Probation Officer

Respectfully submitted,

by 
Daniel T. Trapasso
U.S. Probation Officer
Date: April 9, 2021

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


Signature of Judicial Officer

4-12-21
Date

PROB 49
(Revised 11/98)

**United States District Court
Western District of New York**

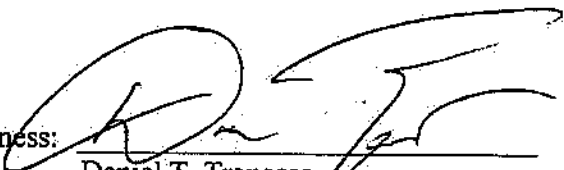
**Waiver of Hearing to Modify Conditions
Of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I further understand that all previously imposed conditions will remain in effect.


I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall comply with the conditions of the Location Monitoring Program (curfew component) for an additional period of one (1) month to commence on April 19, 2021. This curfew shall be from 6:00 p.m. to 6:00 a.m., or as adjusted by the U.S. Probation Office to be less restrictive for employment, counseling, emergencies, or other acceptable reasons. This will be monitored by a Global Positioning Satellite System and the defendant shall wear (an) electronic monitoring device(s) and shall follow the monitoring procedures as outlined in Probation Form 61. The defendant is required to contribute to the cost of services rendered (co-payment).

Witness:


Daniel T. Trapasso
U.S. Probation Officer

Signed:


Sharron McCutcheon
Supervised Releasee

4/5/2021
Date